

AMENDED IN ASSEMBLY MAY 7, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1409

Introduced by Assembly Member Wolk

February 21, 2003

An act to amend Section 35400 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1409, as amended, Wolk. Vehicles: vehicle length limitation.
~~Under~~

(1) Under existing law, with specified exceptions, a 40-foot limitation is imposed on the length of vehicles that may be operated on the highways. Under existing law, ~~when the excess length of a bus operated by a public agency or a passenger stage corporation used in a transit system, other than a schoolbus, is a folding device attached to the front of the bus and designed and used exclusively for transporting bicycles, as specified, the extension caused by the device and bicycle are excluded from the 40-foot limitation. However, these devices may not be used on a bus that exceeds the 40-foot limitation, excluding the device, or on a bus having a device on the rear of the bus for transporting bicycles~~ a bus of a length of up to 45 feet when operating on the National System of Interstate Highways or specified federal aid primary system highways is excluded from the 40-foot limitation under specified circumstances.

~~This bill would delete the exception to the exclusion as to buses that otherwise exceed the 40-foot length limitation, excluding the device, or on any bus having a device on the rear of the bus for transporting~~

bicycles authorize a public agency to operate a bus that exceeds the 45-foot length limitation if the excess length is caused by a folding device attached to the front of the bus that is designed and used exclusively for transporting bicycles, and if its operation is on a route approved by a specified route review committee, as provided for in this bill. The bill would describe the manner in which a bicycle may be transported under this exclusion. Because a violation of these restrictions would be a crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 35400 of the Vehicle Code is amended
- 2 to read:
- 3 35400. (a) A vehicle may not exceed a length of 40 feet.
- 4 (b) This section does not apply to any of the following:
- 5 (1) A vehicle used in a combination of vehicles when the excess
- 6 length is caused by auxiliary parts, equipment, or machinery not
- 7 used as space to carry any part of the load, except that the
- 8 combination of vehicles shall not exceed the length provided for
- 9 combination vehicles.
- 10 (2) A vehicle, when the excess length is caused by any parts
- 11 necessary to comply with the fender and mudguard regulations of
- 12 this code.
- 13 (3) (A) An articulated bus or articulated trolley coach that does
- 14 not exceed a length of 60 feet.
- 15 (B) An articulated bus or articulated trolley coach described in
- 16 subparagraph (A) may be equipped with a folding device attached
- 17 to the front of the bus or trolley if the device is designed and used
- 18 exclusively for transporting bicycles. The device, including any
- 19 bicycles transported thereon, shall be mounted in a manner that
- 20 does not materially affect efficiency or visibility of vehicle safety

1 equipment, and shall not extend more than 36 inches from the front
2 body of the bus or trolley coach when fully deployed. The
3 handlebars of a bicycle that is transported on a device described in
4 this subparagraph shall not extend more than 42 inches from the
5 front of the bus.

6 (4) A semitrailer while being towed by a motortruck or truck
7 tractor, if the distance from the kingpin to the rearmost axle of the
8 semitrailer does not exceed 40 feet for semitrailers having two or
9 more axles, or 38 feet for semitrailers having one axle if the
10 semitrailer does not, exclusive of attachments, extend forward of
11 the rear of the cab of the motortruck or truck tractor.

12 (5) A bus or house car when the excess length is caused by the
13 projection of a front safety bumper or a rear safety bumper, or both.
14 The safety bumper shall not cause the length of the vehicle to
15 exceed the maximum legal limit by more than one foot in the front
16 and one foot in the rear. For the purposes of this chapter, “safety
17 bumper” means any device that is fitted on an existing bumper or
18 which replaces the bumper and is constructed, treated, or
19 manufactured to absorb energy upon impact.

20 (6) A schoolbus, when the excess length is caused by the
21 projection of a crossing control arm. For the purposes of this
22 chapter, “crossing control arm” means an extendable and
23 retractable device fitted to the front of a schoolbus that is designed
24 to impede movement of pupils exiting the schoolbus directly in
25 front of the schoolbus so that pupils are visible to the driver while
26 they are moving in front of the schoolbus. An operator of a
27 schoolbus shall not extend a crossing control arm while the
28 schoolbus is in motion. Except when activated, a crossing control
29 arm shall not cause the maximum length of the schoolbus to be
30 extended by more than 10 inches, inclusive of any front safety
31 bumper. Use of a crossing control arm by the operator of a
32 schoolbus does not, in and of itself, fulfill his or her responsibility
33 to ensure the safety of students crossing a highway or private road
34 pursuant to Section 22112.

35 (7) A bus, when the excess length is caused by a device, located
36 in front of the front axle, for lifting wheelchairs into the bus. That
37 device shall not cause the length of the bus to be extended by more
38 than 18 inches, inclusive of any front safety bumper.

39 (8) A bus, when the excess length is caused by a device attached
40 to the rear of the bus designed and used exclusively for the

1 transporting of bicycles. This device may be up to 10 feet in length,
2 if the device, along with any other device permitted pursuant to
3 this section, does not cause the total length of the bus, including
4 any device or load, to exceed 50 feet.

5 (9) A bus operated by a public agency or a passenger stage
6 corporation, as defined in Section 226 of the Public Utilities Code,
7 used in transit system service, other than a schoolbus, when the
8 excess length is caused by a folding device attached to the front of
9 the bus which is designed and used exclusively for transporting
10 bicycles. The device, including any bicycles transported thereon,
11 shall be mounted in a manner that does not materially affect
12 efficiency or visibility of vehicle safety equipment, and shall not
13 extend more than 36 inches from the front body of the bus when
14 fully deployed. The handlebars of a bicycle that is transported on
15 a device described in this paragraph shall not extend more than 42
16 inches from the front of the bus. *A device described in this*
17 *paragraph may not be used on a bus that, exclusive of the device,*
18 *exceeds 40 feet in length or on a bus having a device attached to*
19 *the rear of the bus pursuant to paragraph (8).*

20 (10) (A) A bus of a length of up to 45 feet when operating on
21 those highways specified in subdivision (a) of Section 35401.5.
22 The Department of Transportation or local authorities, with
23 respect to highways under their respective jurisdictions, ~~shall~~ *may*
24 not deny reasonable access to a bus of a length of up to 45 feet
25 between the highways specified in subdivision (a) of Section
26 35401.5 and points of loading and unloading for motor carriers of
27 passengers as required by the federal Intermodal Surface
28 Transportation Efficiency Act of 1991 (P.L. 102-240).

29 (B) (i) *A bus operated by a public agency and described in*
30 *subparagraph (A) that exceeds 45 feet if the excess length is caused*
31 *by a folding device attached to the front of the bus that is designed*
32 *and used exclusively for transporting bicycles on a route approved*
33 *by the Route Review Committee established under this*
34 *subparagraph. The Route Review Committee shall be comprised*
35 *of one member from the public agency and one member who is a*
36 *traffic engineer, who is knowledgeable on the turning requirements*
37 *on the routes under review, particularly regarding the clearance*
38 *requirements when folding devices are used, both selected by the*
39 *general manager of the public agency, and one member selected*
40 *by the labor organization that is the exclusive representative of the*

1 *bus drivers of the public agency. If there is no exclusive*
2 *representative of the bus drivers, a bus driver member shall be*
3 *chosen by a majority vote of the bus drivers employed by the*
4 *agency. The purpose of the Route Review Committee is to ensure*
5 *the safe operation of a 45-foot bus that is equipped with a front*
6 *mounted bicycle rack. The Route Review Committee, by a*
7 *unanimous vote, shall make a determination of which routes are*
8 *suitable for the safe operation of a 45-foot bus that is equipped*
9 *with a front mounted bicycle rack. These determinations shall be*
10 *consistent with the operating requirements specified in*
11 *subparagraph (A).*

12 *(ii) The folding device described in clause (i), including*
13 *bicycles transported thereon, shall be mounted in a manner that*
14 *does not materially affect efficiency or visibility of vehicle safety*
15 *equipment, and may not extend more than 36 inches from the front*
16 *body of the bus when fully deployed. The handlebars of a bicycle*
17 *that is transported on a device described in this clause may not*
18 *extend more than 42 inches from the front of the bus.*

19 (11) (A) A house car of a length of up to 45 feet when operating
20 on the National System of Interstate and Defense Highways or
21 when using those portions of federal aid primary system highways
22 that have been qualified by the United States Secretary of
23 Transportation for that use, or when using routes appropriately
24 identified by the Department of Transportation or local
25 authorities, with respect to highways under their respective
26 jurisdictions.

27 (B) A house car described in subparagraph (A) may be operated
28 on a highway that provides reasonable access to facilities for
29 purposes limited to fuel, food, and lodging when that access is
30 consistent with the safe operation of the vehicle and when the
31 facility is within one road mile of identified points of ingress and
32 egress to or from highways specified in subparagraph (A) for use
33 by that vehicle.

34 (C) As used in this paragraph and paragraph (10), “reasonable
35 access” means access substantially similar to that authorized for
36 combinations of vehicles pursuant to subdivision (c) of Section
37 35401.5.

38 (D) Any access route established by a local authority pursuant
39 to subdivision (d) of Section 35401.5 is open for access by a house
40 car of a length of up to 45 feet. In addition, local authorities may

1 establish a process whereby access to services by house cars of a
2 length of up to 45 feet may be applied for upon a route not
3 previously established as an access route. The denial of a request
4 for access to services shall be only on the basis of safety and an
5 engineering analysis of the proposed access route. In lieu of
6 processing an access application, local authorities, with respect to
7 highways under their jurisdiction, may provide signing, mapping,
8 or a listing of highways, as necessary, to indicate the use of these
9 specific routes by a house car of a length of up to 45 feet.

10 (c) The Legislature, by increasing the maximum permissible
11 kingpin to rearmost axle distance to 40 feet effective January 1,
12 1987, as provided in paragraph (4) of subdivision (b), does not
13 intend this action to be considered a precedent for any future
14 increases in truck size and length limitations.

15 (d) Any transit bus equipped with a folding device installed on
16 or after January 1, 1999, that is permitted under subparagraph (B)
17 of paragraph (3) of subdivision (b) or under paragraph (9) of
18 subdivision (b) shall be additionally equipped with any of the
19 following:

20 (1) An indicator light that is visible to the driver and is activated
21 whenever the folding device is in an extended position.

22 (2) Any other device or mechanism that provides notice to the
23 driver that the folding device is in an extended position.

24 (3) A mechanism that causes the folding device to retract
25 automatically from an extended position.

26 (e) (1) A person may not improperly or unsafely mount a
27 bicycle on a device described in subparagraph (B) of paragraph (3)
28 of subdivision (b), or in paragraph (9) or (10) of subdivision (b).

29 (2) Notwithstanding subdivision (a) of Section 23114 or
30 subdivision (a) of Section 24002 or any other provision of law,
31 when a bicycle is improperly or unsafely loaded by a passenger
32 onto a transit bus, the passenger, and not the driver, is liable for any
33 violation of this code that is attributable to the improper or
34 unlawful loading of the bicycle.

35
36 *SEC. 2. No reimbursement is required by this act pursuant to*
37 *Section 6 of Article XIII B of the California Constitution because*
38 *the only costs that may be incurred by a local agency or school*
39 *district will be incurred because this act creates a new crime or*
40 *infraction, eliminates a crime or infraction, or changes the penalty*

1 *for a crime or infraction, within the meaning of Section 17556 of*
2 *the Government Code, or changes the definition of a crime within*
3 *the meaning of Section 6 of Article XIII B of the California*
4 *Constitution.*

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